

REMARKS

In the office Action, the Examiner issued a final rejection of Claims 1-4, 6-10, 12-16 and 18,-21, which were all of the then pending claims, under 35 U.S.C. 103 as being unpatentable over the prior art. In particular, these claims were rejected as being unpatentable over U.S. Patent 5,960,337 (Brewster, et al.) in view of U.S. Patent 6,028,514 (Lemelson, et al.) and further in view of U.S. Patent 6,052,122 (Sutcliffe, et al.). It is noted that the previous rejection of the claims over Brewster, et al, Lemelson, et al. and U.S. Patent 6,289,340 was withdrawn.

Applicants herein ask that independent Claims 1, 7 and 13 be amended to better define the subject matters of these claims. Also, new Claims 22 and 23, which are dependent from Claim 1, are being added to describe preferred features of the invention.

For the reasons set forth below, Claims 1-4, 6-10, 12-16 and 18-23 patentably distinguish over the prior art and are allowable. The Examiner is thus asked to enter this Amendment, to reconsider and to withdraw the rejection of Claims 1-4, 6-10, 12-16 and 18-21, and to allow these claims and new Claims 22 and 23.

Generally, the pending claims patentably distinguish over the prior art because the prior art does not disclose or suggest the use of a matching server as described in independent Claims 1, 7 and 13. In order to best understand this, Applicants believe that it may be helpful to review briefly this invention and that prior art.

Basically, this invention provides a procedure to help people with disabilities. This is done by forming a network that puts volunteers in contact with the people who have requested help. The network includes one database to hold information about people with disabilities, and another database to hold information about the volunteer helpers. In order for a person with a disability to get help, that person makes a request for help. A matching server then gets

information from the first database about the person asking for help, and uses that information to identify a volunteer from the second database. The matching server then notifies that volunteer and provides him or her with the information needed to contact and help the person who asked for the help. The matching server also provides information to either or both the volunteer and the person who asked for help, to enable these people to meet physically.

The present invention is different from the systems and procedures disclosed in Brewster, et al. and Lemelson, et al. in a number of important ways. One important difference is that this invention uses volunteers, who may not be busy and are willing to help, while Brewster, et al. does not. Another significant difference is that the present invention is not specifically designed for the purpose of responding to emergency situations, while Brewster, et al. and Lemelson, et al. are.

More specifically, Brewster, et al. describes a procedure in which, after an operator is informed of an emergency event, the operator selects from a group of Emergency Assistance Services (EAS), the EAS who can reach the location of the emergency in the quickest time, and the operator then notifies that selected EAS.

Lemelson, et al. discloses a procedure in which people may be warned of a variety of emergency or dangerous conditions. In the disclosed procedure, a warning device is carried by the person who is to be warned, and this warning device can also be used to monitor for several medical conditions of the wearer.

The above-discussed general differences between this invention and the disclosures of Brewster, et al. and Lemelson, et al, is reflected in a number of more specific differences. In particular, these references do not disclose or suggest the way in which the matching server is used in the present invention.

The matching server of this invention performs several important functions. For instance, this server obtains the necessary information from the first database about the person requesting help, and uses that information to identify in the second database a volunteer who is willing to help. The matching server then notifies the identified volunteer of the request and provides him or her with the information needed to contact the person who asked for assistance. Also, the matching server also provides information or data to the person requesting help or to the volunteer helper to enable those persons to meet physically.

In the Office Action, the Examiner agreed that Brewster, et al. and Lemelson, et al. do not disclose the matching server of this invention. In order to address this deficiency of these references, the Examiner relied on Sutcliffe, et al.

Sutcliffe, et al. discloses an Internet based matchmaking procedure. Based on input criteria, a computer matches two candidates.

For several reasons, those of ordinary skill in the art of the present invention would not have been led to apply the teachings of Sutcliffe, et al, as the Examiner has done, with the disclosures of Brewster, et al. and Lemelson, et al. One reason is that the fields of Brewster, et al. and Lemelson, et al. are very different from the field of Sutcliffe, et al. Both Brewster, et al. and Lemelson, et al. expressly relate to responding to emergency situations, such as serious medical conditions. Sutcliffe, et al, though, relates to matchmaking or dating services. Also, the procedures of Brewster, et al. and Lemelson, et al. are time critical, while Sutcliffe, et al. is not.

Thus, there is no suggestion in the prior art to use a matching server of the type described in Sutcliffe, et al, in any modification of Brewster, et al. and Lemelson, et al. The Examiner is, in actuality, using the teaching of the present invention in hindsight to modify the prior art to form the present invention.

Furthermore, even if one of ordinary skill in the art were to use the matching server of Sutcliffe, et al. in the combination of Brewster, et al. and Lemelson, et al, the resulting system would still be very different from the present invention. This is because Sutcliffe, et al. does not teach using a matching server also to provide information to either or both the volunteer or the person making the request for help to enable those persons to physically find and meet each other.

Another important feature of the present invention that is not disclosed or suggested in any of the references is that the matching server, after a volunteer is identified, notifies the volunteer of the match.

Independent Claims 1, 7 and 13 describe this aspect of this invention, which is not shown in or suggested by the prior art. Specifically, each of Claims 1, 7 and 13 describe the feature that the matching server provides information to at least one of (i) said one of the volunteers, or (ii) the person making the request, to enable said one of the volunteers and the person making the request to physically find and meet each other.

This feature is of utility because it enables the volunteer and the person making the request to physically find each other in a reasonable time frame. For example, a person who is on a train may need assistance from another passenger. It is important that, even though there is no emergency, these two people find each other before their train trips are over. The matching server of this invention enables this.

In light of the above-discussed differences between Claims 1, 7 and 13 and the prior art, and because of the advantages associated with those differences, it cannot be said that any of these claims is obvious in view of that prior art. Accordingly, Claims 1, 7 and 13 patentably distinguish over the prior art and are allowable. Claims 2-4, 6 and 19-23 are dependent from,

and are allowable with, Claim 1. Likewise, Claims 8-10 and 12 are dependent from Claim 7 and are allowable therewith; and Claims 14-16 and 18 are dependent from, and are allowable with, Claim 13.

It is noted that the changes requested herein to Claims 1, 7 and 13 only elaborate on features already described in the claims. In particular, these claims already describe the matching server and several functions performed by that server. This Amendment only elaborates on those functions. Further, the last Office Action was the first time the Examiner relied on Sutcliffe, et al. to reject the claims, and Applicants should have an opportunity to amend the claims in response to that new rejection. Accordingly, it is believed that entry of this Amendment is appropriate, and such entry is respectfully requested.

For the reasons explained above, the Examiner is asked to enter this Amendment, to reconsider and to withdraw the rejection of Claims 1-4, 6-10, 12-16 and 18-21 under 35 U.S.C. 103, and to allow these claims and new Claims 22 and 23. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully Submitted,

John S. Sensny
John S. Sensny
Registration No. 28,757
Attorney for Applicants

Scully, Scott, Murphy & Presser
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343

JSS:jy